

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAWRENCE JOHN SHEEHAN,

Defendant.

CR 09-13-M-DWM

ORDER

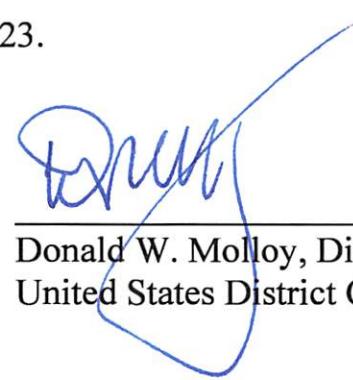
On October 28, 2009, Defendant Lawrence John Sheehan was sentenced to 180 months' imprisonment followed by a lifetime of supervised release for transportation of a minor, in violation of 18 U.S.C. § 2423(a). (Doc. 38.) On December 16, 2022, Sheehan filed a motion to reduce his sentence under 18 U.S.C. § 3582(c)(1)(A). (Doc. 70.) His projected release date is June 5, 2035. *See* Inmate Locator, <http://www.bop.gov/inmateloc> (accessed Jan. 9, 2023).

Although the government opposes Sheehan's motion, (Doc. 73), it does not indicate whether it notified the victim in this case of Sheehan's motion and/or gave her the opportunity to submit a victim impact statement. To be sure, such notification and opportunity is not required under the Crime Victims' Rights Act ("CVRA") in the absence of a public hearing in open court, *see* 18 U.S.C. § 3771(a)(4); *Kenna v. U.S. Dist. Ct. for Ctr. Dist. Cal.*, 435 F.3d 1011, 1014-15

(9th Cir. 2006), and most compassionate release determinations are made on the written presentation of the parties, *see United States v. Parker*, 2021 WL 1966409, *6 (E.D. Cal. May 17, 2021). Nevertheless, “in light of courts’ discretion in sentencing and the broad rights-based language of the CVRA, a court may order notice to victims regardless of whether there are plans to hold such a hearing.” *United States v. Ebbers*, 432 F. Supp. 3d 421, 424 (S.D.N.Y. 2020); *see United States v. Slater*, 547 F. Supp. 3d 58, 79 (D. Maine 2021); *United States v. Sumler*, 2021 WL 6134594, at *6 (D.D.C. Dec. 28, 2021). Considering the nature of Sheehan’s offense along with the victim’s statements at the time of sentencing, notification is appropriate here.

Accordingly, IT IS ORDERED that the government must provide notice of Sheehan’s motion for compassionate release and this Order to the victim in this case on or before February 1, 2023. The victim will then have fourteen days to submit a victim impact statement to the government for filing with the Court. If no statement is filed by February 15, 2023, the motion will be resolved on the current record.

DATED this 11th day of January, 2023.


Donald W. Molloy, District Judge
United States District Court